

Gawler River Floodplain Management Authority

ANTI-DISCRIMINATION/FAIR TREATMENT POLICY

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Applicable Legislation	Local Government Act 1999

1. INTRODUCTION

- 1.1 This Policy has been developed recognising the need to reflect GRFMA's commitment to fairness and equal opportunity in the workplace.
- 1.2 This Policy applies to all GRFMA Board members, employees (including employees of other entities seconded to or otherwise placed in GRFMA), contractors, consultants and volunteers. In this Policy, these people are referred to as "Workers."
- 1.3 This Policy aims to provide information and set boundaries for Workers in terms of appropriate and acceptable behaviour in the workplace, and what constitutes inappropriate and unacceptable behaviour in the workplace.
- 1.4 This Policy intends to create a positive, respectful and productive working environment. It is important that all areas within GRFMA are working harmoniously and effectively.

2. PURPOSE

- 2.1 The objective of this Policy is to provide information and set boundaries for Workers in terms of appropriate and acceptable behaviour in the workplace, and negative behaviour that will not be accepted.
- 2.2 The objectives of the Policy are as follows:
 - 2.2.1 Provide access to all Workers about information and advice so they are able to carry out their duties in accordance with GRFMA's expectations;
 - 2.2.2 Educate and inform all Workers with respect to how to positively interact with each other, and what behaviour will be considered to be negative, harmful and unacceptable.

- 2.2.3 Create a supportive environment among Workers that encourages a positive atmosphere;
 - 2.2.4 Encourage all Workers to have a healthy work/life balance, to not be subject to undue pressure;
 - 2.2.5 Ensure all Workers show respect to each other and to other GRFMA stakeholders;
 - 2.2.6 Inform all Workers of how to deal with conflicts in an appropriate manner, and if required follow due process; and
 - 2.2.7 Emphasise that negative and unacceptable behaviour that may include, but is not limited to: Bullying; Harassment; Sexual Harassment; racial discrimination; stereotyping cultures or behaviour; and intimidation, will not be tolerated in any form. These behaviours will be faced up to firmly and will be positively addressed.
- 2.3 GRFMA is committed to providing a safe and Harassment free workplace for Workers.
- 2.4 Workers must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to Harassment and discrimination on the grounds of sex, pregnancy, age, race (including colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexuality, transgender or intersex status or carer's responsibility. It is the responsibility of everyone who is a part of, or associated with, GRFMA to eliminate such behaviours to create a positive and constructive culture for all to enjoy at work.
- 2.5 GRFMA has a duty of care and needs to balance Confidentiality of these issues with our legislative obligations. GRFMA will endeavour to maintain Confidentiality where applicable.

3. SCOPE AND APPLICATION

- 3.1 This Policy applies to all Workers engaged by GRFMA.
- 3.2 This Policy applies to behaviours that occur:
- 3.2.1 in connection with work, even if it occurs outside normal working hours;
 - 3.2.2 during work activities, for example at meetings of GRFMA or when dealing with employees of Constituent Councils;
 - 3.2.3 at work-related events, for example at conferences and work-related social functions; and
 - 3.2.4 on social media where Workers interact with colleagues or other stakeholders and their actions may affect them either directly or indirectly.

4. DEFINITIONS

Alleged Offender	Person against whom a Complaint has been lodged.
Bullying	Workplace Bullying is repeated and unreasonable behaviour directed towards a Worker or a group of Workers that creates a risk to health and safety.
Complaint	A type of problem, concern or complaint related to work or the work environment. A Complaint may be about any act, omission, situation or decision that a person thinks is unfair, discriminatory or unjustified.
Complainant	Person who feels they have been subjected to some form of unfair, discriminatory or unjustified treatment.
Confidentiality	Only those persons directly involved in lodging or investigating a Complaint (which may include the Alleged Offender) will have access to information about the Complaint.
Executive Officer	The Executive Officer of GRFMA
GRFMA	Gawler River Floodplain Management Authority
Harassment	Any unwanted, unsolicited and unreciprocated behaviour, act or statement that offends, humiliates or distresses the recipient.
Sexual Harassment	<p>A person sexually harasses another person (the person harassed) if:</p> <ul style="list-style-type: none">• the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or• engages in other unwelcome conduct of a sexual nature in relation to the person harassed, <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.</p>
Victimisation	<p>Any unfavourable treatment of, or disadvantage to, a person lodging a Complaint and/or person acting as a witness or assisting the Complainant, as a consequence of their involvement in a Complaint.</p> <p>The law protects the abovenamed persons from further disadvantage or mistreatment and management will take all necessary steps to ensure Victimisation does not occur.</p>
Vilification	Any act that happens publicly, as opposed to privately, and that could incite (encourage, urge or stir up) others to hate or have serious contempt for, or severely ridicule a person, or a group of

people, because of a personal attribute such as their race, sexuality, HIV or AIDS status or transgender status.

Exceptions under the law include a fair report by media, acts of vilification that are done “reasonably and in good faith” for academic, artistic, scientific, research or other purposes in the “public interest” and material in parliamentary, court or tribunal proceedings or other Government inquiries.

5. GENERAL BEHAVIOUR

5.1 GRFMA’s constructive culture requires:

- 5.1.1 Treating everyone with respect, courtesy and dignity;
- 5.1.2 Open and balanced communication;
- 5.1.3 Respecting the roles of the other person;
- 5.1.4 Remembering basic courtesies;
- 5.1.5 Including people, rather than excluding people because of prejudice; and
- 5.1.6 Moving from blame to problem solving to deal with differences of opinion.

5.2 Workers must, at all times:

- 5.2.1 Act honestly in the performance of official duties at all times;
- 5.2.2 Act with reasonable care and diligence in the performance of official duties;
- 5.2.3 Discharge duties in a professional manner;
- 5.2.4 Act in a way that generates community trust and confidence in GRFMA;
- 5.2.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people;
- 5.2.6 Behave in a responsible and professional manner;
- 5.2.7 Treat others in the workplace with courtesy and respect;
- 5.2.8 Be fair and honest in their dealings with others.

6. BULLYING AND HARASSMENT

- 6.1 GRFMA has a zero-tolerance stance in relation to Bullying and Harassment in the workplace.
- 6.2 Bullying can adversely affect the psychological and physical health of a person.

- 6.3 Bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on individual characteristics as well as the specific situation and may include one or more of the following:
- 6.3.1 distress, anxiety, panic attacks or sleep disturbance;
 - 6.3.2 physical illness, for example muscular tension, headaches, fatigue and digestive problems;
 - 6.3.3 loss of self-esteem and self-confidence;
 - 6.3.4 feelings of isolation;
 - 6.3.5 deteriorating relationships with colleagues, family and friends;
 - 6.3.6 negative impact on work performance, concentration and decision-making ability;
 - 6.3.7 depression; and
 - 6.3.8 thoughts of suicide.
- 6.4 Bullying can be harmful to organisations as well as individuals, resulting in:
- 6.4.1 high levels of absenteeism and staff turnover;
 - 6.4.2 breakdown of teams and work relationships;
 - 6.4.3 poor public image in terms of becoming known as a difficult place to work;
 - 6.4.4 reduced efficiency, productivity and profitability;
 - 6.4.5 unsafe work environment;
 - 6.4.6 poor morale, erosion of loyalty and commitment;
 - 6.4.7 increased costs associated with counselling, mediation and compensation claims, recruitment and retraining of new staff, management time; and
 - 6.4.8 potential litigation and associated costs.
- 6.5 **Bullying** is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.
- 6.6 **Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- 6.7 **Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- 6.8 Examples of behaviour, whether intentional or unintentional, that may be workplace Bullying if they are **repeated, unreasonable** and **create a risk to health and safety** include but are not limited to:

- 6.8.1 abusive, insulting or offensive language or comments;
- 6.8.2 aggressive and intimidating conduct;
- 6.8.3 belittling or humiliating comments;
- 6.8.4 victimisation;
- 6.8.5 practical jokes or initiation;
- 6.8.6 unjustified criticism or Complaints;
- 6.8.7 deliberately excluding someone from work-related activities;
- 6.8.8 withholding information that is vital for effective work performance;
- 6.8.9 setting unreasonable timelines or constantly changing deadlines;
- 6.8.10 setting tasks that are unreasonably below or beyond a person's skill level;
- 6.8.11 denying access to information, supervision, consultation or resources to the detriment of the worker;
- 6.8.12 spreading misinformation or malicious rumours;
- 6.8.13 changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers;
- 6.9 If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.
- 6.10 A single incident of unreasonable behaviour is not workplace Bullying, however it may be repeated or escalate and so should not be ignored.
- 6.11 Reasonable management action taken in a reasonable manner **does not** constitute workplace Bullying. Reasonable management action may include:
 - 6.11.1 setting realistic and achievable performance goals, standards and deadlines;
 - 6.11.2 fair and appropriate rostering and allocation of working hours;
 - 6.11.3 transferring a worker to another area or role for operational reasons;
 - 6.11.4 deciding not to select a worker for a promotion where a fair and transparent process is followed;
 - 6.11.5 informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
 - 6.11.6 informing a worker about unreasonable behaviour in an objective and confidential way;
 - 6.11.7 implementing organisational changes or restructuring; and/or

- 6.11.8 taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.
- 6.12 Workers must not engage in Bullying or Harassment inside or outside of the workplace and are expected to comply with the standards of conduct set out in this Policy at all times.

7. UNACCEPTABLE BEHAVIOUR

- 7.1 Further to section 6 of this Policy, the following types of conduct constitute unacceptable behaviour (these are non-exhaustive):
 - 7.1.1 Workers demanding, without appropriate notice, access to information in a way that is not respectful of the position or time constraints of the other;
 - 7.1.2 Displaying confronting behaviour, such as abusive language, rudeness and aggression (i.e swearing, making a fist with hand);
 - 7.1.3 Undermining other Worker(s);
 - 7.1.4 Workers making personal attacks in a public forum;
 - 7.1.5 Behaviour, such as threats or intimidation (i.e invading personal space);
 - 7.1.6 Excluding others;
 - 7.1.7 Gossiping;
 - 7.1.8 Racist or sexual slurs;
 - 7.1.9 Victimisation or Harassment (including Sexual Harassment);
 - 7.1.10 Vilification;
 - 7.1.11 Workers, outside of their contractual responsibility, becoming directly involved in our business;
 - 7.1.12 Intimidation or use of perceived position of power to coerce others by fear, reprimand, humiliation or other threats;
 - 7.1.13 Psychological or physical Harassment, including Bullying or psychological threats;
 - 7.1.14 Violence and assault of another.

8. RESPONSIBILITIES

- 8.1 **All Workers** have a role in demonstrating acceptable workplace behaviour.
- 8.2 **The Executive Officer and the Board** have a strong leadership role in demonstrating acceptable workplace behaviour. They are responsible for ensuring the endorsement, support and implementation of the policy and procedure. They are also responsible for:

- 8.2.1 Making sure that GRFMA meets its legal obligations with respect to Bullying and Harassment prevention;
 - 8.2.2 Fostering the development of a culture within the organisation that is respectful of individual Workers, and discourages Bullying, Harassment and discrimination of any sort;
 - 8.2.3 Assisting reconciliation between the parties and investigating Complaints whether written or verbal;
 - 8.2.4 Ensuring that this Policy and information is made available to all Workers;
 - 8.2.5 Being available to other persons to answer enquiries about Harassment and Bullying and to assist in the resolution of Harassment and Bullying Complaints if requested;
 - 8.2.6 Ensuring Confidentiality and privacy is maintained in all matters as far as practicable;
 - 8.2.7 Considering and, where appropriate, investigating all Complaints, whether written, verbal, formal or informal;
 - 8.2.8 Acting as a mediator, when requested, ensuring that mediation meetings are fair, that all parties are heard without bias, and that all known facts of the Complaint are given the opportunity to be brought forward;
 - 8.2.9 Ensuring Complaints are resolved promptly, sensitively and with impartiality; and
 - 8.2.10 Continually monitoring Complaints that have been resolved to ensure that the negotiated outcomes have been implemented and that an assessment of the effectiveness of the negotiated strategies is conducted.
- 8.3 **Workers** are responsible for respecting the rights of other persons and to never encourage or condone Harassment or Bullying. Workers must comply with this Policy at all times. If an Worker believes that a fellow colleague is being harassed, he or she can help prevent further incidents of Harassment occurring by offering support to the person being harassed. Examples include:
- 8.3.1 Informing them that he or she is willing to act as a witness if the person being harassed decides to lodge a Complaint;
 - 8.3.2 Refusing to join in with any harassing activity; and
 - 8.3.3 Supporting the person being harassed.
- 8.4 It is not the responsibility of the person witnessing the Harassment to say anything to the offender.

9. REVIEW

- 9.1 This Policy shall be reviewed by GRFMA every three years.

- 9.2 Upon review, GRFMA will communicate the updated Policy to all relevant persons.